

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 3000** Session of  
2006

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SIPTROTH, STEIL, STURLA, THOMAS, TIGUE, VEON, WALKO, WATERS,  
WHEATLEY, WILLIAMS AND YOUNGBLOOD, OCTOBER 20, 2006

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 20, 2006

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),  
2 entitled, as amended, "An act prohibiting certain practices  
3 of discrimination because of race, color, religious creed,  
4 ancestry, age or national origin by employers, employment  
5 agencies, labor organizations and others as herein defined;  
6 creating the Pennsylvania Human Relations Commission in the  
7 Governor's Office; defining its functions, powers and duties;  
8 providing for procedure and enforcement; providing for  
9 formulation of an educational program to prevent prejudice;  
10 providing for judicial review and enforcement and imposing  
11 penalties," further providing for findings and declaration of  
12 policy, for right to freedom from discrimination, housing and  
13 public accommodation; defining "sexual orientation" and  
14 "gender identity or expression"; and further providing for  
15 unlawful discriminatory practices, for powers and duties of  
16 commission, for education program and for construction and  
17 exclusiveness of remedy.

18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 Section 1. The title and sections 2 and 3 of the act of  
21 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania  
22 Human Relations Act, amended December 20, 1991 (P.L.414, No.51),

1 are amended to read:

2 AN ACT

3 Prohibiting certain practices of discrimination because of race,  
4 color, religious creed, ancestry, sexual orientation, gender  
5 identity or expression, age or national origin, by employers,  
6 employment agencies, labor organizations and others as herein  
7 defined; creating the Pennsylvania Human Relations Commission  
8 in the Governor's Office; defining its functions, powers and  
9 duties; providing for procedure and enforcement; providing  
10 for formulation of an educational program to prevent  
11 prejudice; providing for judicial review and enforcement and  
12 imposing penalties.

13 Section 2. Findings and Declaration of Policy.--

14 (a) The practice or policy of discrimination against  
15 individuals or groups by reason of their race, color, familial  
16 status, religious creed, ancestry, sexual orientation, gender  
17 identity or expression, age, sex, national origin, handicap or  
18 disability, use of guide or support animals because of the  
19 blindness, deafness or physical handicap of the user or because  
20 the user is a handler or trainer of support or guide animals is  
21 a matter of concern of the Commonwealth. Such discrimination  
22 foments domestic strife and unrest, threatens the rights and  
23 privileges of the inhabitants of the Commonwealth, and  
24 undermines the foundations of a free democratic state. The  
25 denial of equal employment, housing and public accommodation  
26 opportunities because of such discrimination, and the consequent  
27 failure to utilize the productive capacities of individuals to  
28 their fullest extent, deprives large segments of the population  
29 of the Commonwealth of earnings necessary to maintain decent

1 standards of living, necessitates their resort to public relief  
2 and intensifies group conflicts, thereby resulting in grave  
3 injury to the public health and welfare, compels many  
4 individuals to live in dwellings which are substandard,  
5 unhealthful and overcrowded, resulting in racial segregation in  
6 public schools and other community facilities, juvenile  
7 delinquency and other evils, thereby threatening the peace,  
8 health, safety and general welfare of the Commonwealth and its  
9 inhabitants.

10 (b) It is hereby declared to be the public policy of this  
11 Commonwealth to foster the employment of all individuals in  
12 accordance with their fullest capacities regardless of their  
13 race, color, religious creed, ancestry, sexual orientation,  
14 gender identity or expression, age, sex, national origin,  
15 handicap or disability, use of guide or support animals because  
16 of the blindness, deafness or physical handicap of the user or  
17 because the user is a handler or trainer of support or guide  
18 animals, and to safeguard their right to obtain and hold  
19 employment without such discrimination, to assure equal  
20 opportunities to all individuals and to safeguard their rights  
21 to public accommodation and to secure housing accommodation and  
22 commercial property regardless of race, color, familial status,  
23 religious creed, ancestry, sexual orientation, gender identity  
24 or expression, age, sex, national origin, handicap or  
25 disability, use of guide or support animals because of blindness  
26 or deafness of the user or because the user is a handler or  
27 trainer of guide or support animals.

28 (c) This act shall be deemed an exercise of the police power  
29 of the Commonwealth for the protection of the public welfare,  
30 prosperity, health and peace of the people of the Commonwealth

1 of Pennsylvania.

2 Section 3. Right to Freedom from Discrimination in  
3 Employment, Housing and Public Accommodation.--The opportunity  
4 for an individual to obtain employment for which he is  
5 qualified, and to obtain all the accommodations, advantages,  
6 facilities and privileges of any public accommodation and of any  
7 housing accommodation and commercial property without  
8 discrimination because of race, color, familial status,  
9 religious creed, ancestry, sexual orientation, gender identity  
10 or expression, handicap or disability, age, sex, national  
11 origin, the use of a guide or support animal because of the  
12 blindness, deafness or physical handicap of the user or because  
13 the user is a handler or trainer of support or guide animals is  
14 hereby recognized as and declared to be a civil right which  
15 shall be enforceable as set forth in this act.

16 Section 2. Section 4(b) of the act, amended December 20,  
17 1991 (P.L.414, No.51), is amended and the section is amended by  
18 adding clauses to read:

19 Section 4. Definitions.--As used in this act unless a  
20 different meaning clearly appears from the context:

21 \* \* \*

22 (b) The term "employer" includes the Commonwealth or any  
23 political subdivision or board, department, commission or school  
24 district thereof and any person employing four or more persons  
25 within the Commonwealth, but except as hereinafter provided,  
26 does not include religious, fraternal, charitable or sectarian  
27 corporations or associations, except such corporations or  
28 associations supported, in whole or in part, by governmental  
29 appropriations. The term "employer" with respect to  
30 discriminatory practices based on race, color, age, sex,

1 national origin, sexual orientation, gender identity or  
2 expression or non-job related handicap or disability, includes  
3 religious, fraternal, charitable and sectarian corporations and  
4 associations employing four or more persons within the  
5 Commonwealth.

6 \* \* \*

7 (bb) The term "sexual orientation" means actual or perceived  
8 heterosexuality, homosexuality or bisexuality.

9 (cc) The term "gender identity or expression" means actual  
10 or perceived gender identity, appearance, behavior, expression  
11 or physical characteristics whether or not associated with an  
12 individual's assigned sex at birth.

13 Section 3. Sections 5(a), (b), (c), (f), (g), (h) and (i) of  
14 the act, amended or added December 20, 1991 (P.L.414, No.51),  
15 July 12, 1996 (P.L.684, No.117) and June 25, 1997 (P.L.326,  
16 No.34), are amended to read:

17 Section 5. Unlawful Discriminatory Practices.--It shall be  
18 an unlawful discriminatory practice, unless based upon a bona  
19 fide occupational qualification, or in the case of a fraternal  
20 corporation or association, unless based upon membership in such  
21 association or corporation, or except where based upon  
22 applicable security regulations established by the United States  
23 or the Commonwealth of Pennsylvania:

24 (a) For any employer because of the race, color, religious  
25 creed, ancestry, sexual orientation, gender identity or  
26 expression, age, sex, national origin or non-job related  
27 handicap or disability or the use of a guide or support animal  
28 because of the blindness, deafness or physical handicap of any  
29 individual or independent contractor, to refuse to hire or  
30 employ or contract with, or to bar or to discharge from

1 employment such individual or independent contractor, or to  
2 otherwise discriminate against such individual or independent  
3 contractor with respect to compensation, hire, tenure, terms,  
4 conditions or privileges of employment or contract, if the  
5 individual or independent contractor is the best able and most  
6 competent to perform the services required. The provision of  
7 this paragraph shall not apply, to (1) operation of the terms or  
8 conditions of any bona fide retirement or pension plan which  
9 have the effect of a minimum service requirement, (2) operation  
10 of the terms or conditions of any bona fide group or employe  
11 insurance plan, (3) age limitations placed upon entry into bona  
12 fide apprenticeship programs of two years or more approved by  
13 the State Apprenticeship and Training Council of the Department  
14 of Labor and Industry, established by the act of July 14, 1961  
15 (P.L.604, No.304), known as "The Apprenticeship and Training  
16 Act." Notwithstanding any provision of this clause, it shall not  
17 be an unlawful employment practice for a religious corporation  
18 or association to hire or employ on the basis of sex in those  
19 certain instances where sex is a bona fide occupational  
20 qualification because of the religious beliefs, practices, or  
21 observances of the corporation, or association.

22 (b) For any employer, employment agency or labor  
23 organization, prior to the employment, contracting with an  
24 independent contractor or admission to membership, to:

25 (1) Elicit any information or make or keep a record of or  
26 use any form of application or application blank containing  
27 questions or entries concerning the race, color, religious  
28 creed, ancestry, sexual orientation, gender identity or  
29 expression, age, sex, national origin, past handicap or  
30 disability or the use of a guide or support animal because of

1 the blindness, deafness or physical handicap of any applicant  
2 for employment or membership. Prior to an offer of employment,  
3 an employer may not inquire as to whether an individual has a  
4 handicap or disability or as to the severity of such handicap or  
5 disability. An employer may inquire as to the individual's  
6 ability to perform the essential functions of the employment.

7 (2) Print or publish or cause to be printed or published any  
8 notice or advertisement relating to employment or membership  
9 indicating any preference, limitation, specification or  
10 discrimination based upon race, color, religious creed,  
11 ancestry, sexual orientation, gender identity or expression,  
12 age, sex, national origin, non-job related handicap or  
13 disability or the use of a guide or support animal because of  
14 the blindness, deafness or physical handicap of the user.

15 (3) Deny or limit, through a quota system, employment or  
16 membership because of race, color, religious creed, ancestry,  
17 sexual orientation, gender identity or expression, age, sex,  
18 national origin, non-job related handicap or disability, the use  
19 of a guide or support animal because of the blindness, deafness  
20 or physical handicap of the user or place of birth.

21 (4) Substantially confine or limit recruitment or hiring of  
22 individuals, with intent to circumvent the spirit and purpose of  
23 this act, to any employment agency, employment service, labor  
24 organization, training school or training center or any other  
25 employe-referring source which services individuals who are  
26 predominantly of the same race, color, religious creed,  
27 ancestry, sexual orientation, gender identity or expression,  
28 age, sex, national origin or non-job related handicap or  
29 disability.

30 (5) Deny employment because of a prior handicap or

1 disability.

2 Nothing in clause (b) of this section shall bar any  
3 institution or organization for handicapped or disabled persons  
4 from limiting or giving preference in employment or membership  
5 to handicapped or disabled persons.

6 (c) For any labor organization because of the race, color,  
7 religious creed, ancestry, sexual orientation, gender identity  
8 or expression, age, sex, national origin, non-job related  
9 handicap or disability or the use of a guide or support animal  
10 because of the blindness, deafness or physical handicap of any  
11 individual to deny full and equal membership rights to any  
12 individual or otherwise to discriminate against such individuals  
13 with respect to hire, tenure, terms, conditions or privileges of  
14 employment or any other matter, directly or indirectly, related  
15 to employment.

16 \* \* \*

17 (f) For any employment agency to fail or refuse to classify  
18 properly, refer for employment or otherwise to discriminate  
19 against any individual because of his race, color, religious  
20 creed, ancestry, sexual orientation, gender identity or  
21 expression, age, sex, national origin, non-job related handicap  
22 or disability or the use of a guide or support animal because of  
23 the blindness, deafness or physical handicap of the user.

24 (g) For any individual seeking employment to publish or  
25 cause to be published any advertisement which in any manner  
26 expresses a limitation or preference as to the race, color,  
27 religious creed, ancestry, sexual orientation, gender identity  
28 or expression, age, sex, national origin, non-job related  
29 handicap or disability or the use of a guide or support animal  
30 because of the blindness, deafness or physical handicap of any



1 prospective employer.

2 (h) For any person to:

3 (1) Refuse to sell, lease, finance or otherwise to deny or  
4 withhold any housing accommodation or commercial property from  
5 any person because of the race, color, familial status, age,  
6 religious creed, ancestry, sexual orientation, gender identity  
7 or expression, sex, national origin or handicap or disability of  
8 any person, prospective owner, occupant or user of such housing  
9 accommodation or commercial property, or to refuse to lease any  
10 housing accommodation or commercial property to any person due  
11 to use of a guide animal because of the blindness or deafness of  
12 the user, use of a support animal because of a physical handicap  
13 of the user or because the user is a handler or trainer of  
14 support or guide animals or because of the handicap or  
15 disability of an individual with whom the person is known to  
16 have a relationship or association.

17 (1.1) Evict or attempt to evict an occupant of any housing  
18 accommodation before the end of the term of a lease because of  
19 pregnancy or the birth of a child.

20 (2) Refuse to lend money, whether or not secured by mortgage  
21 or otherwise for the acquisition, construction, rehabilitation,  
22 repair or maintenance of any housing accommodation or commercial  
23 property or otherwise withhold financing of any housing  
24 accommodation or commercial property from any person because of  
25 the race, color, familial status, age, religious creed,  
26 ancestry, sexual orientation, gender identity or expression,  
27 sex, national origin, handicap or disability of any person, the  
28 use of a guide or support animal because of the blindness,  
29 deafness or physical handicap of the user or because the user is  
30 a handler or trainer of support or guide animals or because of

1 the handicap or disability of an individual with whom the person  
2 is known to have a relationship or association.

3 (3) Discriminate against any person in the terms or  
4 conditions of selling or leasing any housing accommodation or  
5 commercial property or in furnishing facilities, services or  
6 privileges in connection with the ownership, occupancy or use of  
7 any housing accommodation or commercial property because of the  
8 race, color, familial status, age, religious creed, ancestry,  
9 sexual orientation, gender identity or expression, sex, national  
10 origin, handicap or disability of any person, the use of a guide  
11 or support animal because of the blindness, deafness or physical  
12 handicap of the user or because the user is a handler or trainer  
13 of support or guide animals or because of the handicap or  
14 disability of an individual with whom the person is known to  
15 have a relationship or association.

16 (3.1) Refuse to permit, at the expense of a person with a  
17 handicap, reasonable modifications of existing premises occupied  
18 or to be occupied by such person if such modifications may be  
19 necessary to afford such person full enjoyment of the premises,  
20 except that, in the case of a rental, the landlord may, where it  
21 is reasonable to do so, grant permission for a modification if  
22 the renter agrees to restore the interior of the premises to the  
23 condition that existed before the modification, with reasonable  
24 wear and tear excepted.

25 (3.2) Refuse to make reasonable accommodations in rules,  
26 policies, practices or services when such accommodations may be  
27 necessary to afford such person equal opportunity to use and  
28 enjoy a housing accommodation.

29 (4) Discriminate against any person in the terms or  
30 conditions of any loan of money, whether or not secured by

1 mortgage or otherwise for the acquisition, construction,  
2 rehabilitation, repair or maintenance of housing accommodation  
3 or commercial property because of the race, color, familial  
4 status, age, religious creed, ancestry, sexual orientation,  
5 gender identity or expression, sex, national origin or handicap  
6 or disability of any person, the use of a guide or support  
7 animal because of the blindness, deafness or physical handicap  
8 of the user or because the user is a handler or trainer of guide  
9 or support animals or because of the handicap or disability of  
10 an individual with whom the person is known to have a  
11 relationship or association.

12 (5) Print, publish or circulate any statement or  
13 advertisement: (i) relating to the sale, lease or acquisition of  
14 any housing accommodation or commercial property or the loan of  
15 money, whether or not secured by mortgage, or otherwise for the  
16 acquisition, construction, rehabilitation, repair or maintenance  
17 of any housing accommodation or commercial property which  
18 indicates any preference, limitation, specification, or  
19 discrimination based upon race, color, familial status, age,  
20 religious creed, ancestry, sexual orientation, gender identity  
21 or expression, sex, national origin, handicap or disability or  
22 because of the handicap or disability of an individual with whom  
23 the person is known to have a relationship or association, or  
24 (ii) relating to the sale, lease or acquisition of any housing  
25 accommodation or commercial property which indicates any  
26 preference, limitation, specification or discrimination based  
27 upon use of a guide or support animal because of the blindness,  
28 deafness or physical handicap of the user or because the user is  
29 a handler or trainer of support or guide animals.

30 (6) Make any inquiry, elicit any information, make or keep

1 any record or use any form of application, containing questions  
2 or entries concerning race, color, familial status, age,  
3 religious creed, ancestry, sexual orientation, gender identity  
4 or expression, sex, national origin, handicap or disability or  
5 because of the handicap or disability of an individual with whom  
6 the person is known to have a relationship or association in  
7 connection with the sale or lease of any housing accommodation  
8 or commercial property or loan of any money, whether or not  
9 secured by mortgage or otherwise for the acquisition,  
10 construction, rehabilitation, repair or maintenance of any  
11 housing accommodation or commercial property, or to make any  
12 inquiry, elicit any information, make or keep any record or use  
13 any form of application, containing questions or entries  
14 concerning the use of a guide or support animal because of the  
15 blindness, deafness or physical handicap of the user or because  
16 the user is a handler or trainer of support or guide animals, in  
17 connection with the lease of any housing accommodation or  
18 commercial property.

19 (7) Construct, operate, offer for sale, lease or rent or  
20 otherwise make available housing or commercial property which is  
21 not accessible.

22 (8) Discriminate in real estate-related transactions, as  
23 described by and subject to the following:

24 (i) It shall be unlawful for any person or other entity  
25 whose business includes engaging in real estate-related  
26 transactions to discriminate against any person in making  
27 available such a transaction or in the terms or conditions of  
28 such a transaction because of race, color, religious creed,  
29 ancestry, sexual orientation, gender identity or expression,  
30 national origin, sex, age, handicap or disability, use of a

1 guide or support animal because of a physical handicap or  
2 because the user is a handler or trainer of guide or support  
3 animals or familial status.

4 (ii) Nothing in this act prohibits a person engaged in the  
5 business of furnishing appraisals of real property to take into  
6 consideration factors other than race, color, religious creed,  
7 ancestry, sexual orientation, gender identity or expression,  
8 national origin, sex, age, handicap or disability, use of a  
9 guide or support animal because of a physical handicap or  
10 because the user is a handler or trainer of guide or support  
11 animals or familial status.

12 (9) Nothing in this clause, regarding age or familial  
13 status, shall apply with respect to housing for older persons. A  
14 person shall not be held personally liable for monetary damages  
15 for a violation of this act if the person reasonably relied, in  
16 good faith, on the application of the exemption of this  
17 subclause. A person may only prove good faith reliance on the  
18 application of the exemption of this subclause by proving that  
19 at the time of the act complained of all of the following  
20 applied:

21 (i) The person had no actual knowledge that the housing was  
22 not eligible for exemption under this subclause.

23 (ii) The owner or manager of the housing had stated  
24 formally, in writing, that the housing complied with the  
25 requirements for exemption under this subclause.

26 (10) Nothing in this clause shall bar any religious or  
27 denominational institution or organization or any charitable or  
28 educational organization which is operated, supervised or  
29 controlled by or in connection with a religious organization or  
30 any bona fide private or fraternal organization from giving

1 preference to persons of the same religion or denomination or to  
2 members of such private or fraternal organization or from making  
3 such selection as is calculated by such organization to promote  
4 the religious principles or the aims, purposes or fraternal  
5 principles for which it is established or maintained. Nor shall  
6 it apply to the rental of rooms in a landlord-occupied rooming  
7 house with a common entrance, nor with respect to discrimination  
8 based on sex, the advertising, rental or leasing of housing  
9 accommodations in a single-sex dormitory or rooms in one's  
10 personal residence in which common living areas are shared.

11 (11) Nothing in this act limits the applicability of the  
12 Fair Housing Act and reasonable State or local restrictions on  
13 the maximum number of occupants permitted to occupy a dwelling  
14 or a reasonable restriction relating to health or safety  
15 standards or business necessity. Owners and managers of  
16 dwellings may develop and implement reasonable occupancy and  
17 safety standards based on factors such as the number and size of  
18 sleeping areas or bedrooms and the overall size of a dwelling  
19 unit so long as the standards do not violate the Fair Housing  
20 Act or State or local restrictions.

21 (i) For any person being the owner, lessee, proprietor,  
22 manager, superintendent, agent or employe of any public  
23 accommodation, resort or amusement to:

24 (1) Refuse, withhold from, or deny to any person because of  
25 his race, color, sex, religious creed, ancestry, sexual  
26 orientation, gender identity or expression, national origin, or  
27 handicap or disability, or to any person due to use of a guide  
28 or support animal because of the blindness, deafness or physical  
29 handicap of the user or because the user is a handler or trainer  
30 of support or guide animals, either directly or indirectly, any

1 of the accommodations, advantages, facilities or privileges of  
2 such public accommodation, resort or amusement.

3 (2) Publish, circulate, issue, display, post or mail, either  
4 directly or indirectly, any written or printed communication,  
5 notice or advertisement to the effect that any of the  
6 accommodations, advantages, facilities and privileges of any  
7 such place shall be refused, withheld from or denied to any  
8 person on account of race, color, religious creed, sex,  
9 ancestry, sexual orientation, gender identity or expression,  
10 national origin or handicap or disability, or to any person due  
11 to use of a guide or support animal because of the blindness,  
12 deafness or physical handicap of the user, or because the user  
13 is a handler or trainer of support or guide animals, or that the  
14 patronage or custom thereat of any person, belonging to or  
15 purporting to be of any particular race, color, religious creed,  
16 sex, ancestry, sexual orientation, gender identity or  
17 expression, national origin or handicap or disability, or to any  
18 person due to use of a guide or support animal because of the  
19 blindness, deafness or physical handicap of the user or because  
20 the user is a handler or trainer of support or guide animals, is  
21 unwelcome, objectionable or not acceptable, desired or  
22 solicited.

23 (3) Exclude or otherwise deny equal goods, services,  
24 facilities, privileges, advantages, accommodations or other  
25 opportunities to a person because of the handicap or disability  
26 of an individual with whom the person is known to have a  
27 relationship or association.

28 (4) Construct, operate or otherwise make available such  
29 place of public accommodation, resort or amusement which is not  
30 accessible.

1 \* \* \*

2 Section 4. Sections 5.3 and 7(i), (j), (k) of the act,  
3 amended December 20, 1991 (P.L.414, No.51), are amended to read:

4 Section 5.3. Prohibition of Certain Real Estate Practices.--

5 It shall be an unlawful discriminatory practice for any person  
6 to:

7 (a) Induce, solicit or attempt to induce or solicit for  
8 commercial profit any listing, sale or transaction involving any  
9 housing accommodation or commercial property by representing  
10 that such housing accommodation or commercial property is within  
11 any neighborhood, community or area adjacent to any other area  
12 in which there reside, or do not reside, persons of a particular  
13 race, color, familial status, age, religious creed, ancestry,  
14 sexual orientation, gender identity or expression, sex, national  
15 origin, handicap or disability, or who are guide or support  
16 animal dependent.

17 (b) Discourage, or attempt to discourage, for commercial  
18 profit, the purchase or lease of any housing accommodation or  
19 commercial property by representing that such housing  
20 accommodation or commercial property is within any neighborhood,  
21 community or area adjacent to any other area in which there  
22 reside, or may in the future reside in increased or decreased  
23 numbers, persons of a particular race, color, familial status,  
24 age, religious creed, ancestry, sexual orientation, gender  
25 identity or expression, sex, national origin, handicap or  
26 disability, or who are guide or support animal dependent.

27 (c) Misrepresent, create or distort a circumstance,  
28 condition or incident for the purpose of fostering the  
29 impression or belief, on the part of any owner, occupant or  
30 prospective owner or occupant of any housing accommodation or



1 commercial property, that such housing accommodation or  
2 commercial property is within any neighborhood, community or  
3 area adjacent to any other area which would be adversely  
4 impacted by the residence, or future increased or decreased  
5 residence, of persons of a particular race, color, familial  
6 status, age, religious creed, ancestry, sexual orientation,  
7 gender identity or expression, sex, national origin, handicap or  
8 disability, or who are guide or support animal dependent within  
9 such neighborhood, community or area.

10 (d) In any way misrepresent or otherwise misadvertise within  
11 a neighborhood or community, whether or not in writing, that any  
12 housing accommodation or commercial property within such  
13 neighborhood or community is available for inspection, sale,  
14 lease, sublease or other transfer, in any context where such  
15 misrepresentation or misadvertising would have the effect of  
16 fostering an impression or belief that there has been or will be  
17 an increase in real estate activity within such neighborhood or  
18 community due to the residence, or anticipated increased or  
19 decreased residence, of persons of a particular race, color,  
20 familial status, age, religious creed, ancestry, sexual  
21 orientation, gender identity or expression, sex, national  
22 origin, handicap or disability, or the use of a guide or support  
23 animal because of the blindness, deafness or physical handicap  
24 of the user.

25 Section 7. Powers and Duties of the Commission.--The  
26 Commission shall have the following powers and duties:

27 \* \* \*

28 (i) To create such advisory agencies and conciliation  
29 councils, local or state-wide, as will aid in effectuating the  
30 purposes of this act. The Commission may itself or it may

1 empower these agencies and councils to (1) study the problems of  
2 discrimination in all or specific fields of human relationships  
3 when based on race, color, familial status, religious creed,  
4 ancestry, sexual orientation, gender identity or expression,  
5 age, sex, national origin or handicap or disability, and (2)  
6 foster, through community effort or otherwise, good will among  
7 the groups and elements of the population of the State. Such  
8 agencies and councils may make recommendations to the Commission  
9 for the development of policies and procedure in general.  
10 Advisory agencies and conciliation councils created by the  
11 Commission shall be composed of representative citizens, serving  
12 without pay, but the Commission may make provision for technical  
13 and clerical assistance to such agencies and councils, and for  
14 the payment of the expenses of such assistance.

15 (j) To issue such publications and such results of  
16 investigations and research as, in its judgment, will tend to  
17 promote good will and minimize or eliminate discrimination  
18 because of race, color, familial status, religious creed,  
19 ancestry, sexual orientation, gender identity or expression,  
20 age, sex, national origin or handicap or disability.

21 (k) To submit an annual report for each fiscal year by the  
22 following March 31 to the General Assembly, the Labor and  
23 Industry Committee of the Senate and the State Government  
24 Committee of the House of Representatives and the Governor  
25 describing in detail the types of complaints received, the  
26 investigations, status of cases, Commission action which has  
27 been taken, how many were found to have probable cause, how many  
28 were resolved by public hearing and the length of time from the  
29 initial complaint to final Commission resolution. It shall also  
30 contain recommendations for such further legislation concerning

1 abuses and discrimination because of race, color, familial  
2 status, religious creed, ancestry, sexual orientation, gender  
3 identity or expression, national origin, age, sex, handicap or  
4 disability or the use of a guide or support animal because of  
5 the blindness, deafness or physical handicap of the user or  
6 because the user is a handler or trainer of support or guide  
7 animals, as may be desirable.

8 \* \* \*

9 Section 5. Section 8 of the act, amended July 12, 1996  
10 (P.L.684, No.117), is amended to read:

11 Section 8. Educational Program.--The Commission, in  
12 cooperation with the Department of Education, is authorized to  
13 recommend a multicultural educational program, designed for the  
14 students of the schools in this Commonwealth and for all other  
15 residents thereof, with emphasis on foreign cultural and  
16 language studies, as well as on the basic shared precepts and  
17 principles of United States culture, in order to promote  
18 cultural understanding and appreciation and to further good will  
19 among all persons, without regard to race, color, familial  
20 status, religious creed, ancestry, sexual orientation, gender  
21 identity or expression, age, sex, national origin, handicap or  
22 disability.

23 Section 6. Section 12(b) of the act, amended December 20,  
24 1991 (P.L.414, No.51), is amended to read:

25 Section 12. Construction and Exclusiveness of Remedy.--

26 \* \* \*

27 (b) Except as provided in subsection (c), nothing contained  
28 in this act shall be deemed to repeal or supersede any of the  
29 provisions of any existing or hereafter adopted municipal  
30 ordinance, municipal charter or of any law of this Commonwealth

1 relating to discrimination because of race, color, familial  
2 status, religious creed, ancestry, sexual orientation, gender  
3 identity or expression, age, sex, national origin or handicap or  
4 disability, but as to acts declared unlawful by section five of  
5 this act the procedure herein provided shall, when invoked, be  
6 exclusive and the final determination therein shall exclude any  
7 other action, civil or criminal, based on the same grievance of  
8 the complainant concerned. If the complainant institutes any  
9 action based on such grievance without resorting to the  
10 procedure provided in this act, such complainant may not  
11 subsequently resort to the procedure herein. In the event of a  
12 conflict between the interpretation of a provision of this act  
13 and the interpretation of a similar provision contained in any  
14 municipal ordinance, the interpretation of the provision in this  
15 act shall apply to such municipal ordinance.

16 \* \* \*

17 Section 7. This act shall take effect in 60 days.